

cordial senatorial level, on a number of debates in the Chamber and a number of appearances in the media, objected to that provision because some future President might have a different view. President Bush had said he was not going to allow Federal funding on stem cell lines created after August 9, at 9 p.m., which is the time he made his speech. But there might be another President after President Bush's two terms who might take a different point of view, which I think was the motivation for the opposition to this codification of what President Bush had done.

Senator BROWNBACK then proposed a series of amendments to prohibit cloning and also to prohibit somatic cell nuclear transfer—which has been inappropriately named as therapeutic cloning, which has created a confusion. To repeat, that we are opposed to reproductive cloning to make another human being but if these scientific procedures are to be used to create cells which can be accepted by a patient, for example, who has Parkinson's without having an adverse reaction, this was the line which I thought and many thought ought to be maintained. And the scientific community is up in arms about the prospect of having somatic cell nuclear transfer prohibited because there is some mistaken name calling, calling it therapeutic cloning which is mistaken for reproductive cloning.

So Senator BROWNBACK—and I wanted him here to hear me make this presentation—said to me he would withdraw his amendments if I would delete the provision in the bill which codified what President Bush had done. And I decided to agree with that proposal which Senator BROWNBACK made because, as the manager of the bill, it seemed to me it would take many days of additional debate if we were to resolve the issue. Then, with the majority leader and the Republican leader, an agreement was worked out—and it is on the record—that we would have a freestanding bill in February or March. I wanted it earlier rather than later, but the majority leader would not commit to February but said it would have to go to March, and so it was February or March. And then in the interim, our subcommittee has planned a series of three hearings to go into some detail as to what is really involved, to have some public discussion and public understanding that what is called therapeutic cloning is not cloning at all and certainly in no way related to reproductive cloning.

Then we had the event last week-end—

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired. The order reserved 10 minutes each.

Mr. SPECTER. I ask unanimous consent to proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. As I was starting to say, Advanced Cell Technology came out with a news release which has received publicity including a U.S. News and World Report cover which has raised concern about human cloning and reproductive cloning, and I do not believe that is realistic at this time because we know cloning exists. All of the embryos that were created in the Massachusetts experiment by Advanced Cell Technology died before they even grew to aged cells.

I note in the morning's press Senator BROWNBACK at his news conference yesterday—and I respect his right to have a news conference and respect his position—said he would like to have the debate now, would like to have action before the end of the year.

Speaking for myself, it is fine to have the debate now and to have action by the Senate before the end of the year. We will not have the benefit of the three planned hearings which we have had, but the Senate can act without additional hearings. But it is not going to be an easy matter.

When Senator BROWNBACK and I talked about this several weeks ago when the appropriations bill was in the Chamber, it was obvious to me it would take several days. And as the manager of the bill, if I had been in a position other than manager of the bill, Senators who have issues, things they would like to raise, sometimes without too much regard for what happens to a bill—if it takes a little more time, so be it. But a manager is in a somewhat different position.

I have spoken at some length because I think it is very important that there be a public understanding that somatic cell nuclear transfer does not relate to cloning, and the people who called it therapeutic cloning are creating a lot of confusion because it is not cloning at all. And it is certainly not reproductive cloning.

Scientists are, as I say, up in arms about the prospect of having a prohibition of this kind of research which has the potential to cure millions of people who have Parkinson's or Alzheimer's, heart disease, or cancer or many other maladies.

So the public ought to understand that the opposition to cloning a human being is not in issue when we talk about somatic cell nuclear transfer. And I am delighted to proceed to debate the issue, to vote on it at the earliest possible time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

UNANIMOUS CONSENT REQUEST— H.R. 2505

Mr. BROWNBACK. Mr. President, I rise to discuss the issue of human

cloning and the need to address it in this Congress this year. I was hopeful of getting the majority leader's attention while he was on the floor; maybe we will get the attention of the Senator from Nevada about addressing the issue this year.

As the Senator from Pennsylvania was pointing out, we now have the first human clone. People are calling it different names. Some are calling it an "activated egg," rather than a human embryo or clone. U.S. News and World Report doesn't seem to have a problem with calling it the first human clone, as most of the newspapers were calling it. It is identical to an embryo. It now exists. It lived for a couple of days, then died. The technology has been used and exercised.

It is something about which I have been warning this body for months—that we should address this issue before we get to the point in time where we are going to see human clones out there. And then we will have to wrestle with the question, Is this person or property? Is this a person or is it a piece of property that is owned by somebody? What do we do with a clone? This is capable of being implanted into a woman and of growing to be a full, identifiable person by anybody's definition. Now we have the technology being broached.

We have at the desk H.R. 2505, the Human Cloning Prohibition Act of 2001 that the House of Representatives passed. The President is calling for this body to act upon that. He is saying we should not be waiting longer for this.

It is my intention at the end of my comments to call up H.R. 2505 and ask unanimous consent that we immediately proceed to its consideration. This is a bill that is here. This is an issue that is right on top of us. It needs to be considered. We should deal with it now. We can deal with it. We can limit the amount of debate time that we will have on the bill. We can limit it to a period of 5 hours. We can limit it to two amendments. We can go all of those routes. If the majority leader would agree to do that, we can get this issue dealt with.

Short of that, I submit to my colleagues what we can also do is take up this bill, only let's have a human cloning moratorium for 6 months, saying we will not allow human cloning of any type under any definition for a period of 6 months so Senator SPECTER and others can hold hearings on this topic. Let's stop now before the horse gets further out of the barn, before we see living human embryos.

With that, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2505, the Human Cloning Prohibition Act of 2001.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWNBAC. May I inquire, and respectfully so, of the Senator from Nevada, this is an issue that is right on top of us. I have been warning this body for months that this day was going to be here. Now it is here. We really should take up this issue. We can limit the amount of time. We can limit the amount of amendments to it. I ask why we can't proceed at least to a moratorium, a 6-month moratorium on human cloning.

Mr. REID. I am happy to respond to my friend without his losing the floor.

Mr. President, this is a very contentious issue. I certainly underscore the sincerity of the Senator from Kansas. Everyone knows how he feels about this issue. He has expressed it publicly. He has expressed it to me privately. I understand the sincerity of Senator BROWNBAC on this issue.

This is an issue about which other people feel just as strongly on the other side. I have sat through a number of hearings that had been originally led by the Senator from Pennsylvania where this issue first came up, and then we have had hearings since then that have been led by the Senator from Iowa. They have been probing, extremely good hearings, but they have been preliminary in nature in the sense that there is a lot more that needs to be done.

Just 3 weeks ago on the Senate floor this issue came up. At that time it was believed there would be a time certain to take it up. There will be hearings, it is my understanding, in the Appropriations Committee held this Thursday and next Tuesday on this issue. I am sure there will be other hearings that will be held prior to the commitment of the majority leader as to when we would bring up this issue next year.

That way we can have a full public debate on the issue with legislation being handled the way it should; that is, have unlimited amendments. That doesn't mean it would go on forever, but we would have amendments that would be offered on legislation that would be pending in this regard.

We just cannot do it. We have a lot of issues that we need to address. We have five conference reports on appropriations bills that are not completed. We have not acted on a stimulus package. It took up an hour on the floor today. We have railroad retirement. We have an Agriculture bill. We have port security, about which Senator HOLLINGS believes strongly and Senator GRAHAM is waiting in my office to discuss—along with other issues—right now. There are lots of issues we have to take up.

I know the Senator from Kansas believes this is the most important issue. But without having a better foundation, we are talking about waiting a matter of a couple months anyway.

Mrs. BOXER. Will the Senator yield for a question?

Mr. REID. I do not have the floor, but I am happy to yield.

Mrs. BOXER. I ask unanimous consent to ask a question.

Mr. BROWNBAC. I have a followup, and then I will be happy to yield to the Senator from California.

Mrs. BOXER. I thank the Senator.

Mr. REID. In short, I think it would be extremely difficult on an expedited schedule, which is what the Senator wants. This is not an issue I believe we can do with two amendments.

Mr. BROWNBAC. If I could, what about a moratorium? We now have a human clone out there. We have people using this technology. What about a period of a moratorium, say a 3-month or 6-month moratorium, until we can get to the issue, saying let's stop this now before we get human clones out there? This body has not spoken about it.

Mr. REID. I respond as follows: There are people who, as I indicated earlier, believe just as fervently on this issue as does the Senator from Kansas. They believe that therapeutic cloning is something that will lead very quickly to the abolishment of diabetes, Parkinson's disease, and other dread diseases. As strongly as he feels about this, they feel that a moratorium for 6 months, 2 months, or 2 days is preventing science from going ahead and working on cures for these diseases. That is how I answer the question. That is the debate we need to have.

The majority leader, Senator DASCHLE, has said he will bring this up next year. We could spend a considerable amount of time on the floor listening to the Senator from Kansas and the Senator from Pennsylvania, both of whom have strong beliefs in this regard.

Mr. BROWNBAC. I thank the Senator from Nevada for responding. If I could reclaim my time briefly, I wish to warn the body, before we take this issue back up, we are going to see more of these things announced. We are going to see people working on putting animal genetic material into the human species. That is going to be announced next. That will be the next announcement sometime a month or two down the road. This body will not have spoken on it.

The House has spoken on it. The President has stated: Please give this to me. He has asked that. That is why I respectfully put this forward. This technology is rapidly moving forward. It is to the point that most people are very uncomfortable with human cloning. People across the country, 90 percent, are saying: I don't think we ought to be going there.

I am saying at this point in time, before this continues moving forward, let's hit the pause button and let's say, wait a minute, until we can really thoroughly vet this because, as the Senator from Nevada has rightly said, there are a number of people looking at this from different sides, questioning

this. This is a very technically involved subject. I respect all of that. I respect that greatly. Why not, for a period of 3 months or 6 months, say, let's just pause here because we are entering a threshold period of time that we have not thoroughly contemplated as a society, as a people. We should say: Let's wait just a little bit before it leaps upon us.

I am happy to yield.

Mrs. BOXER. I thank the Senator. The problem with the Senator's suggestion—and I will ask a question—is that he wants to stop everything. I say to my friend that we could probably reach agreement pretty quickly around here because I support legislation to ban human cloning. I know most people I have spoken to, if not all, agree. Of course, that occurs when you use the stem cells and you transfer them into a woman's uterus. We can stop that in a minute, but my friend would like to stop everything, and that is why I so strongly support Senator SPECTER, Senator HARKIN, and Senator KENNEDY, who have been our leaders on this subject.

What we are saying is, we should allow stem cell research to continue to bring our people cures to these diseases that plague them. I do not know about in your State—and I am sure it is reflected in my State—but if you ask people: Who is touched by Parkinson's, Alzheimer's, spinal cord injuries, diabetes and juvenile diabetes, who is touched by these diseases, who fears these diseases, one will find it is almost every individual.

We all agree to ban human cloning. That is not the problem. But my friend is taking an extreme position which will shut down the applied research into possible cures for these diseases. Therefore, there is strong opposition to the position of my friend. If he were to march down with us and ban human cloning, the implantation of the nucleus into a woman, then we would walk down the road together. But we think stopping everything is unfair.

Does my friend understand the debate in that sense? I hope he understands we are with him on banning human cloning but not stopping stem cell research to cure diseases.

Mr. BROWNBAC. If I can reclaim my time, I ask unanimous consent for an additional 5 minutes.

Mr. KYL. Mr. President, I will not object but since I have been here 40 minutes, I would like to get in the queue. I ask unanimous consent that following the remarks of the Senator from Kansas, I be permitted my time in morning business.

Mr. SPECTER. Reserving the right to object, and I do not intend to do so, I would like 1 minute when the Senator from Kansas finishes to make a comment or two.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBAC. Mr. President, if I can respond to my colleague from California, I am happy to work with her on the definition of human cloning. I object to her categorization that I am opposed to all research and just stop. That is not my position. I have strongly supported adult stem cell research. I do not know if you can put a dollar amount in the funding line that I would not agree with because I think it is very promising research, and I am strongly supportive of that research.

I object as well to the Senator's categorization that you take stem cells and put them in a woman's uterus. You do not do that. What I am talking about is an embryo that can be put into a uterus, actually form a living human being by everybody's definition. The Senator may have a different definition of when an embryo is a life.

Mrs. BOXER. I will go for that definition that you cannot place a humanly cloned embryo into a woman's uterus. I would go for it. I understand my friend supports in vitro fertilization. I do, too. We would not deal with that. If it is, in fact, a cloned embryo, absolutely I would walk down the aisle with you on that in a moment, in a heartbeat.

Mr. BROWNBAC. What about a cloned embryo period, once it is created?

Mrs. BOXER. I say we would stop it at the implantation stage.

Mr. BROWNBAC. What about a cloned embryo, period?

Mrs. BOXER. I would oppose a cloned embryo being implanted so you have a human being at the end of 9 months.

Mr. BROWNBAC. If I can reclaim my time—I do not want to be rude—herein lies the key, the rub of the issue: Some say you can create a cloned embryo and not implant it, with which I agree. I do not think we should implant that embryo.

Mrs. BOXER. We agree on that then.

Mr. BROWNBAC. What about the status of the cloned embryo, that is in its genetic material identical to one that is created naturally? Whether it is created by man or created by God, they are the same entities; they are identical. Therefore, do we say the status of one is different from the status of the other? Herein again lies my point.

Mrs. BOXER. How far back do you want to go?

Mr. BROWNBAC. If I can reclaim my time, before we move forward on this, should we not pause at this point in time and say: Let's stop here; let's stop everything here for a few months and see where we are going with the future of humanity? The next step will be genetic material from outside the human species into the human species. That is going to be one of the next cover stories, and we will still be here saying: I am not sure about this definition; I am not sure about that.

Do we want to burst that upon humanity and allow that to take place in

our country? By our inaction, we will. I plead with my colleagues, let us work on this now and pause the whole issue for a short period of time so we can consider it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 minute.

Mr. SPECTER. Mr. President, I think this last brief exchange points up the complexity of the issue as to what we are dealing with.

When Senator BROWNBAC comments about what may occur next, they are matters of enormous concern. I do not like cloning in any form, and it may be when we have the debate and when we have the hearings, if the bill is not going to be called up—I was not prepared to propose Senator BROWNBAC call up the bill. I am prepared to debate this, and Senator BROWNBAC may persuade me and may persuade others.

I do think it is a more orderly process to give the scientific community an opportunity to present their case, but if Senator BROWNBAC will get the procedures to have a vote now and a debate and really explore the matter—the sole purpose I have made in this presentation is to raise a distinction between reproductive cloning and what others have called therapeutic cloning, which, as I understand it, is not cloning at all. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

Mr. KYL. Mr. President, I thank the Senator from Kansas for bringing this important subject before the Senate. It is evident from what we have heard that this subject requires a great deal of further debate.

RELIGIOUS HUMAN RIGHTS VIOLATIONS AND NUCLEAR PROLIFERATION

Mr. KYL. Mr. President, I want to change the subject and have printed in the RECORD two articles from the National Review magazine. I ask unanimous consent they be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See Exhibit 1.)

Mr. KYL. Mr. President, the first of these is written by Kate O'Beirne, who always provides very well-researched and well-written reports on a very timely topic. As she notes at the beginning of this article:

The State Department issued the annual report required by the International Religious Freedom Act of 1998.

She goes on to note:

With shocking regularity, human-rights groups report the death of Christians at the hands of Muslim militants in Africa, South Asia, and the Middle East.

She goes on to document the very troubling plethora of religiously moti-

vated human rights abuses throughout the world. This is an article my colleagues would be well to review with respect to especially the debate that is ongoing about the sources of terrorism in the world today.

The second article is also from the National Review magazine written by Richard Lowry, an article which also, interestingly, quotes Samuel Huntington in his very timely and interesting book, "The Clash of Civilizations." Lowry quotes Huntington as saying the following:

The proliferation of nuclear and other weapons of mass destruction is a central phenomenon of the slow but ineluctable diffusion of power in a multicivilizational world.

He goes on to note that one of the causes for proliferation is Western naivete, especially in the support of arms control agreements as the way to stop this proliferation.

He notes that arms control agreements work only so long as no one wants to violate them, in which case they simply do not work. He goes on to provide his prescription of what could be done instead to deal with the issue of proliferation, which I think, again, we would all be commended to review. Therefore, I ask my colleagues to review these two items.

EXHIBIT 1

[From the National Review, Dec. 3, 2001]

MARTYRED

MUSLIM MURDER AND MAYHEM AGAINST CHRISTIANS

(By Kate O'Beirne)

President Bush's repeated assertions about the peaceful nature of Islam were briefly interrupted when the State Department issued the annual report required by the International Religious Freedom Act of 1998. This year, as in the past, our Muslim-world partners in the coalition against terrorism were prominently featured among the most violent, most intolerant regimes in the world. Religious minorities are persecuted in over 20 states where Islam is the official or dominant religion. The million Christians who have fled the Muslim world in the past five years were hardly seeking sanctuary from the peaceful face of Islam.

With shocking regularity, human-rights groups report the death of Christians at the hands of Muslim militants in Africa, South Asia, and the Middle East. In Pakistan, Islam has been the official religion since 1973, and over the years, the State Department has urged our ally to repeal section 295(c) of the penal code. This is the section that stipulates the death penalty or life in prison for blaspheming Mohammed, and the State Department notes that it "contributes to inter-religious tension, intimidation, fear, and violence." A Christian Pakistani, Ayub Masih, was jailed five years ago on a blasphemy charge, and he has now filed his final appeal against the death sentence imposed on him. Masih is alleged to have said, "If you want to know the truth about Islam, read Salman Rushdie." An accusation by a Muslim neighbor was enough to secure the blasphemy conviction. Under Pakistan's "Hudood ordinances," the legal testimony of religious minorities is accorded half the weight of Muslims'. The testimony of a non-Muslim woman is halved again.